

EXHIBIT 6

In the Matter Of:

ANYWHERECOMMERCE vs INGENICO, INC.

1:19-cv-11457-IT

BEN LO

December 08, 2021



ESQUIRE
DEPOSITION SOLUTIONS

800.211.DEPO (3376)
EsquireSolutions.com

BEN LO
ANYWHERECOMMERCE vs INGENICO, INC.

December 08, 2021

1

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ANYWHERECOMMERCE, INC. and
BBPOS LIMITED

VS.

C.A. No. 1:19-cv-11457-IT

INGENICO, INC., INGENICO
CORP., INGENICO GROUP, SA,
and INGENICO VENTURES SAS

VIDEOTAPED WEB CONFERENCE DEPOSITION OF

BEN LO

December 8, 2021

12:30 p.m.

Denise A. Webb, CSR, RPR

BEN LO
ANYWHERECOMMERCE vs INGENICO, INC.

December 08, 2021

2

APPEARANCES OF COUNSEL

COUNSEL FOR THE PLAINTIFFS:
LAW OFFICES OF KUTAK ROCK, LLP
1801 CALIFORNIA STREET, SUITE 3000
DENVER, COLORADO 80202
BY: OLIVER D. GRIFFIN, ESQUIRE
BY: MELISSA A. BOZEMAN, ESQUIRE
oliver.griffin@kutakrock.com
melissa.bozeman@kutakrock.com

COUNSEL FOR THE DEFENDANTS:
LAW OFFICES OF ADLER, POLLOCK & SHEEHAN
ONE CITIZENS PLAZA, 8TH FLOOR
PROVIDENCE, RHODE ISLAND 02903
BY: JEFFREY K. TECHENTIN, ESQUIRE
jtechentin@apslaw.com

ALSO PRESENT: HEIDI STUART, VIDEOGRAPHER

BEN LO
ANYWHERECOMMERCE vs INGENICO, INC.

December 08, 2021
74

1 the NDA with ROAM Data before we started
2 business.

3 Q. And that NDA governed this disclosure?

4 A. Yes.

5 Q. And BBPOS made the disclosure voluntarily to ROAM
6 Data, correct?

7 A. Yes.

8 Q. Do you contend that the -- strike that. So I'd
9 like to ask you questions about the trade secret
10 allocations, and those cover a number of
11 different claims. What were the trade secrets
12 that were stolen by the defendants?

13 A. They consist of a few things, including
14 hardware part and software part. In the hardware
15 part of, you know, it's the audio jack is long
16 standard. It has a polarity, a positive and
17 negative. It's like electric (inaudible) with a
18 positive and a negative.

19 In different from we have different
20 polarity. So in order -- if a product -- if a
21 part of the audio jack (inaudible) with different
22 polarity, it will destroy the wisest. Just like
23 electric front. If you cross positive to the
24 negative, it will burn. It will burn the
25 (inaudible) or burn the electric comprises.

BEN LO
ANYWHERECOMMERCE vs INGENICO, INC.

December 08, 2021

75

1 So we come up with a method to overcome
2 that. So we devise circuit which can allow the
3 wisest to (inaudible) mobile phone, no matter
4 what polarity it is. This is one of the trade
5 secrets.

6 Another one is the automatic gain control or
7 AGC. So the automatic gain control is like a
8 different phone. It is not your standard. So
9 the automatic gain control is the mixture that
10 the wisest can communicate with the phone at
11 optimum speed. So the control, the communication
12 speed, the communication wall page of the product
13 with the smartphone. So this is another trade
14 secret.

15 And the third thing is about communication
16 format or communication protocol. It's like a
17 language that the two of the wisest communicate.
18 So this format is another secret that we share
19 with ROAM Data.

20 And the last one is the key -- is the key
21 generation (inaudible). We call it DUKPT. So we
22 treat the DUKPT in a way that can be used for
23 generation of the key for card data. So these
24 are the trade secrets that we identify as and
25 being stolen by Ingenico.

BEN LO
ANYWHERECOMMERCE vs INGENICO, INC.

December 08, 2021

76

1 Q. Anything else?

2 A. That's it.

3 Q. All right. So you indicated that there was a
4 hardware and a software component. So let me
5 take those in reverse. The last one you
6 mentioned was the key generation method, which I
7 believe you referred to as DUKPT?

8 A. Yes.

9 Q. And that's D-U-K-P-T?

10 A. Yes.

11 Q. That's not a BBPOS term. That's an industry
12 standard term, DUPKT, right?

13 A. Yes. That's a standard term.

14 Q. And DUKPT is a standard function in point of sale
15 devices, correct?

16 A. It's a standard function in point of sale
17 devices. So in point of sale devices, people use
18 the DUKPT for generation of the key to encrypt
19 the P (phonetic).

20 Q. And is the key generation method that you
21 identify as a trade secret strictly software?

22 A. Yes.

23 Q. The next one, again, going backwards is the
24 automatic gain control function. And if I
25 understand that correctly, that solution solves

BEN LO
ANYWHERECOMMERCE vs INGENICO, INC.

December 08, 2021
236

C E R T I F I C A T E

I, Denise A. Webb, a Notary Public within and for the Commonwealth of Massachusetts, duly commissioned, qualified and authorized to administer oaths and to take and certify depositions, do hereby certify that heretofore, to wit, on December 8, 2021 at 12:30 p.m. The witness was, by me, duly sworn to testify to the truth, the whole truth, and nothing but the truth.

I further certify that the foregoing Deposition was taken down by me in machine shorthand and transcribed by computer, and that the foregoing transcript contains a true record of the proceedings to the best of my ability. This proceeding was done remotely via web conference and may result in some inaccuracies and/or dropped words created by audio conflicts that may arise during any web-based event. I further certify that I am not interested in the event of this action.

IN WITNESS WHEREOF, I have hereunto subscribed my hand this 19th day of December, 2021.

** COURT REPORTER'S DISCLAIMER **

Due to the accent of the witness, many parts of the transcript were inaudible or unreportable. This was discussed and understood by all parties at the time of the proceeding. This transcript reflects the best of my abilities.



Denise A. Webb, Notary Public
My Commission expires March 11, 2027